

1 AN ACT concerning the military.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Line of Duty Compensation Act is amended by  
5 changing Sections 2 and 3 as follows:

6 (820 ILCS 315/2) (from Ch. 48, par. 282)

7 Sec. 2. As used in this Act, unless the context otherwise  
8 requires:

9 (a) "Law enforcement officer" or "officer" means any person  
10 employed by the State or a local governmental entity as a  
11 policeman, peace officer, auxiliary policeman or in some like  
12 position involving the enforcement of the law and protection of  
13 the public interest at the risk of that person's life. This  
14 includes supervisors, wardens, superintendents and their  
15 assistants, guards and keepers, correctional officers, youth  
16 supervisors, parole agents, school teachers and correctional  
17 counsellors in all facilities of both the Juvenile and Adult  
18 Divisions of the Department of Corrections, while within the  
19 facilities under the control of the Department of Corrections  
20 or in the act of transporting inmates or wards from one  
21 location to another or while performing their official duties,  
22 and all other Department of Correction employees who have daily  
23 contact with inmates.

24 The death of the foregoing employees of the Department of  
25 Corrections in order to be included herein must be by the  
26 direct or indirect willful act of an inmate, ward,  
27 work-releasee, parolee, parole violator, person under  
28 conditional release, or any person sentenced or committed, or  
29 otherwise subject to confinement in or to the Department of  
30 Corrections.

31 (b) "Fireman" means any person employed by the State or a  
32 local governmental entity as, or otherwise serving as, a member

1 or officer of a fire department either for the purpose of the  
2 prevention or control of fire or the underwater recovery of  
3 drowning victims, including volunteer firemen.

4 (c) "Local governmental entity" includes counties,  
5 municipalities and municipal corporations.

6 (d) "State" means the State of Illinois and its  
7 departments, divisions, boards, bureaus, commissions,  
8 authorities and colleges and universities.

9 (e) "Killed in the line of duty" means losing one's life as  
10 a result of injury received in the active performance of duties  
11 as a law enforcement officer, civil defense worker, civil air  
12 patrol member, paramedic, fireman, or chaplain if the death  
13 occurs within one year from the date the injury was received  
14 and if that injury arose from violence or other accidental  
15 cause. In the case of a State employee, "killed in the line of  
16 duty" means losing one's life as a result of injury received in  
17 the active performance of one's duties as a State employee, if  
18 the death occurs within one year from the date the injury was  
19 received and if that injury arose from a willful act of  
20 violence by another State employee committed during such other  
21 employee's course of employment and after January 1, 1988. The  
22 term excludes death resulting from the willful misconduct or  
23 intoxication of the officer, civil defense worker, civil air  
24 patrol member, paramedic, fireman, chaplain, or State  
25 employee. However, the burden of proof of such willful  
26 misconduct or intoxication of the officer, civil defense  
27 worker, civil air patrol member, paramedic, fireman, chaplain,  
28 or State employee is on the Attorney General. Subject to the  
29 conditions set forth in subsection (a) with respect to  
30 inclusion under this Act of Department of Corrections employees  
31 described in that subsection, for the purposes of this Act,  
32 instances in which a law enforcement officer receives an injury  
33 in the active performance of duties as a law enforcement  
34 officer include but are not limited to instances when:

35 (1) the injury is received as a result of a wilful act  
36 of violence committed other than by the officer and a

1 relationship exists between the commission of such act and  
2 the officer's performance of his duties as a law  
3 enforcement officer, whether or not the injury is received  
4 while the officer is on duty as a law enforcement officer;

5 (2) the injury is received by the officer while the  
6 officer is attempting to prevent the commission of a  
7 criminal act by another or attempting to apprehend an  
8 individual the officer suspects has committed a crime,  
9 whether or not the injury is received while the officer is  
10 on duty as a law enforcement officer;

11 (3) the injury is received by the officer while the  
12 officer is travelling to or from his employment as a law  
13 enforcement officer or during any meal break, or other  
14 break, which takes place during the period in which the  
15 officer is on duty as a law enforcement officer.

16 In the case of an Armed Forces member, "killed in the line  
17 of duty" means losing one's life while on active duty in  
18 connection with the September 11, 2001 terrorist attacks on the  
19 United States, Operation Enduring Freedom, or Operation Iraqi  
20 Freedom.

21 (f) "Volunteer fireman" means a person having principal  
22 employment other than as a fireman, but who is carried on the  
23 rolls of a regularly constituted fire department either for the  
24 purpose of the prevention or control of fire or the underwater  
25 recovery of drowning victims, the members of which are under  
26 the jurisdiction of the corporate authorities of a city,  
27 village, incorporated town, or fire protection district, and  
28 includes a volunteer member of a fire department organized  
29 under the "General Not for Profit Corporation Act", approved  
30 July 17, 1943, as now or hereafter amended, which is under  
31 contract with any city, village, incorporated town, fire  
32 protection district, or persons residing therein, for fire  
33 fighting services. "Volunteer fireman" does not mean an  
34 individual who volunteers assistance without being regularly  
35 enrolled as a fireman.

36 (g) "Civil defense worker" means any person employed by the

1 State or a local governmental entity as, or otherwise serving  
2 as, a member of a civil defense work force, including volunteer  
3 civil defense work forces engaged in serving the public  
4 interest during periods of disaster, whether natural or  
5 man-made.

6 (h) "Civil air patrol member" means any person employed by  
7 the State or a local governmental entity as, or otherwise  
8 serving as, a member of the organization commonly known as the  
9 "Civil Air Patrol", including volunteer members of the  
10 organization commonly known as the "Civil Air Patrol".

11 (i) "Paramedic" means an Emergency Medical  
12 Technician-Paramedic certified by the Illinois Department of  
13 Public Health under the Emergency Medical Services (EMS)  
14 Systems Act, and all other emergency medical personnel  
15 certified by the Illinois Department of Public Health who are  
16 members of an organized body or not-for-profit corporation  
17 under the jurisdiction of a city, village, incorporated town,  
18 fire protection district or county, that provides emergency  
19 medical treatment to persons of a defined geographical area.

20 (j) "State employee" means any employee as defined in  
21 Section 14-103.05 of the Illinois Pension Code, as now or  
22 hereafter amended.

23 (k) "Chaplain" means an individual who:

24 (1) is a chaplain of (i) a fire department or (ii) a  
25 police department or other agency consisting of law  
26 enforcement officers; and

27 (2) has been designated a chaplain by (i) the fire  
28 department, police department, or other agency or an  
29 officer or body having jurisdiction over the department or  
30 agency or (ii) a labor organization representing the  
31 firemen or law enforcement officers.

32 (l) "Armed Forces member" means an Illinois resident who  
33 is: a member of the Armed Forces of the United States; a member  
34 of the Illinois National Guard while on active military service  
35 pursuant to an order of the President of the United States; or  
36 a member of any reserve component of the Armed Forces of the

1 United States while on active military service pursuant to an  
2 order of the President of the United States.

3 (Source: P.A. 93-1047, eff. 10-18-04.)

4 (820 ILCS 315/3) (from Ch. 48, par. 283)

5 Sec. 3. Duty death benefit.

6 (a) If a claim therefor is made within one year of the date  
7 of death of a law enforcement officer, civil defense worker,  
8 civil air patrol member, paramedic, fireman, chaplain, State  
9 employee, or Armed Forces member killed in the line of duty,  
10 compensation shall be paid to the person designated by the law  
11 enforcement officer, civil defense worker, civil air patrol  
12 member, paramedic, fireman, chaplain, State employee, or Armed  
13 Forces member. However, if the Armed Forces member was killed  
14 in the line of duty before October 18, 2004 ~~the effective date~~  
15 ~~of this amendatory Act of the 93rd General Assembly~~, the claim  
16 must be made within one year of October 18, 2004 ~~the effective~~  
17 ~~date of this amendatory Act of the 93rd General Assembly~~.

18 (b) The amount of compensation, except for an Armed Forces  
19 member, shall be \$10,000 if the death in the line of duty  
20 occurred prior to January 1, 1974; \$20,000 if such death  
21 occurred after December 31, 1973 and before July 1, 1983;  
22 \$50,000 if such death occurred on or after July 1, 1983 and  
23 before January 1, 1996; \$100,000 if the death occurred on or  
24 after January 1, 1996 and before May 18, 2001; \$118,000 if the  
25 death occurred on or after May 18, 2001 and before July 1, 2002  
26 ~~the effective date of this amendatory Act of the 92nd General~~  
27 ~~Assembly~~; and \$259,038 if the death occurred ~~occurs~~ on or after  
28 July 1, 2002 ~~the effective date of this amendatory Act of the~~  
29 ~~92nd General Assembly~~ and before January 1, 2003. For an Armed  
30 Forces member killed in the line of duty (i) at any time before  
31 January 1, 2005, the compensation is \$259,038 plus amounts  
32 equal to the increases for 2003 and 2004 determined under  
33 subsection (c) and (ii) on or after January 1, 2005, the  
34 compensation is the amount determined under item (i) plus the  
35 applicable increases for 2005 and thereafter determined under

1 subsection (c).

2 (c) Except as provided in subsection (b), for ~~For~~ deaths  
3 occurring on or after January 1, 2003, the death compensation  
4 rate for death in the line of duty occurring in a particular  
5 calendar year shall be the death compensation rate for death  
6 occurring in the previous calendar year (or in the case of  
7 deaths occurring in 2003, the rate in effect on December 31,  
8 2002) increased by a percentage thereof equal to the percentage  
9 increase, if any, in the index known as the Consumer Price  
10 Index for All Urban Consumers: U.S. city average, unadjusted,  
11 for all items, as published by the United States Department of  
12 Labor, Bureau of Labor Statistics, for the 12 months ending  
13 with the month of June of that previous calendar year.

14 (d) If no beneficiary is designated or surviving at the  
15 death of the law enforcement officer, civil defense worker,  
16 civil air patrol member, paramedic, fireman, chaplain, State  
17 employee, or Armed Forces member killed in the line of duty,  
18 the compensation shall be paid as follows:

19 (1) ~~(a)~~ when there is a surviving spouse, the entire  
20 sum shall be paid to the spouse;

21 (2) ~~(b)~~ when there is no surviving spouse, but a  
22 surviving descendant of the decedent, the entire sum shall  
23 be paid to the decedent's descendants per stirpes;

24 (3) ~~(c)~~ when there is neither a surviving spouse nor a  
25 surviving descendant, the entire sum shall be paid to the  
26 parents of the decedent in equal parts, allowing to the  
27 surviving parent, if one is dead, the entire sum; and

28 (4) ~~(d)~~ when there is no surviving spouse, descendant  
29 or parent of the decedent, but there are surviving brothers  
30 or sisters, or descendants of a brother or sister, who were  
31 receiving their principal support from the decedent at his  
32 death, the entire sum shall be paid, in equal parts, to the  
33 dependent brothers or sisters or dependent descendant of a  
34 brother or sister. Dependency shall be determined by the  
35 Court of Claims based upon the investigation and report of  
36 the Attorney General.

1       (e) When there is no beneficiary designated or surviving at  
2 the death of the law enforcement officer, civil defense worker,  
3 civil air patrol member, paramedic, fireman, chaplain, State  
4 employee, or Armed Forces member killed in the line of duty and  
5 no surviving spouse, descendant, parent, dependent brother or  
6 sister, or dependent descendant of a brother or sister, no  
7 compensation shall be payable under this Act.

8       (f) No part of such compensation may be paid to any other  
9 person for any efforts in securing such compensation.

10       (g) This amendatory Act of the 93rd General Assembly  
11 applies to claims made on or after October 18, 2004 with  
12 respect to an Armed Forces member killed in the line of duty.

13 (Source: P.A. 92-3, eff. 5-18-01; 92-609, eff. 7-1-02; 93-1047,  
14 eff. 10-18-04.)

15       Section 99. Effective date. This Act takes effect upon  
16 becoming law.